

Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) NO. MJ11-360BAT
Plaintiff,) MOTION FOR DETENTION
v.) ORDER
ERIC MYSZKE-FRANCIS,) NOTING DATE: August 2, 2011
Defendant.)

The United States moves for pretrial detention of the Defendant in connection with the Complaint filed in the Western District of Louisiana, pursuant to 18 U.S.C. § 3142(e) and (f). This case is eligible for a detention order both because it involves a felony offense, other than a crime of violence, involving a minor victim and because there is a serious risk the Defendant will flee. There is also a rebuttable presumption in favor of detention because there is probable cause to believe the Defendant committed an offense under 18 U.S.C. § 2251 or § 2252A(a)(2)(A), involving a minor victim. The United States requests the Court conduct the detention hearing on the charges contained in the Complaint filed in the Western District of Louisiana within three days.

I. FACTS AND PROCEDURAL HISTORY

1. The United States intends to proceed by proffer of evidence at the detention hearing and, accordingly, proffers the following facts in support of its request.

1 **A. Procedural History.**

2 2. On August 2, 2011, a Complaint was filed against, and an arrest warrant
 3 issued for, the Defendant in the Western District of Louisiana. The Complaint charges
 4 two offenses: conspiracy to advertise child pornography, in violation of 18 U.S.C.
 5 §§ 2251(d)(1) & (e); and conspiracy to distribute child pornography, in violation of 18
 6 U.S.C. §§ 2252A(a)(2)(A) & (b)(1). The Defendant is subject to a mandatory minimum
 7 penalty of 15 years of incarceration and a maximum penalty of up to 30 years of
 8 incarceration on the conspiracy to advertise charge, and a mandatory minimum penalty of
 9 five years of incarceration and a maximum penalty of 20 years of incarceration on the
 10 conspiracy to distribute charge.

11 3. The United States hereby requests that the Defendant be detained pending
 12 trial pursuant to 18 U.S.C. § 3142(e) and (f), and will seek to invoke the rebuttable
 13 presumption against the Defendant's release pursuant to 18 U.S.C. § 3142(e)(3)(E),
 14 because probable cause has been found that he committed an offense involving a minor
 15 victim.

16 **B. The Investigation of Dreamboard.**

17 4. The Defendant is charged on account of his membership on an internet
 18 bulletin board that was known to its members as "Dreamboard."¹ As described in the
 19 Complaint, Dreamboard was dedicated to the production, distribution and advertisement
 20 of hardcore child pornography, including images and videos of infants and prepubescent
 21 minors being raped and in distress. In January of 2010 and June of 2010, in accordance
 22 with the Electronic Communication Privacy Act (ECPA), U.S. Department of Homeland
 23 Security, Homeland Security Investigations ("HSI") Special Agents obtained search
 24 warrants in the United States District Court for the District of Columbia and obtained a

25 26 ¹ Because Dreamboard remained under investigation, with numerous members still
 27 at large, documents previously filed against the members of Dreamboard were filed under
 seal per the order of the United States District Court for the Western District of Louisiana.
 28 Those documents referred to Dreamboard generically as "Bulletin Board A," and to one
 of its main administrators, Hawkeye, as "Administrator A." The Complaint filed against
 this Defendant in the Western District of Louisiana thus contains these generic terms.

1 copy of Dreamboard. The copy contained the entire content of the Dreamboard website
 2 as it existed on the date of seizure. HSI Special Agents reviewed the contents of the
 3 website and observed that it was being used to host a password-protected bulletin board
 4 devoted to the transmission and discussion of child pornography. In June of 2010, at the
 5 time Dreamboard was captured, records indicated that it had approximately 600 validated
 6 members and that it was an active board, with members continuing to post links and
 7 advertisements to images and videos of child pornography daily.

8 5. Dreamboard contained thousands of postings and messages containing child
 9 pornography and/or advertisements directing members to images and videos of child
 10 pornography.² More specifically, the postings and messages advertised depictions of
 11 nude minors engaged in sexually explicit conduct. Most of the advertisements contained
 12 preview images of child pornography that were posted directly on Dreamboard and also
 13 provided a website and password where the complete file(s) could be downloaded.
 14 Members were required to post child pornography using that method in order to prevent
 15 law enforcement detection of the board. Dreamboard was divided categorically into
 16 different subject areas. Some of these areas included a section specifically for individuals
 17 who produced their own child pornography (i.e., users who filmed themselves sexually
 18 abusing children) and a section for content containing infants and prepubescent minors
 19 being raped and in distress.

20 6. Dreamboard listed specific rules in order to gain membership to the board.
 21 Individuals seeking membership were required to upload a certain amount of child
 22 pornography to a separate website and provide the lead administrator, "Hawkeye," with
 23 preview images and the web address and password for the complete files. Hawkeye
 24 required that the images either contain hard core activity or nudity, and that the minors
 25 depicted were under 13. Hawkeye stated that membership would not be granted unless

27 2 Numerous Dreamboard postings as well as screen captures documenting
 28 membership rules and forum descriptions are included in Attachment A to this motion.

1 those specific rules were followed. Once gaining membership, each member could access
 2 the board using a login screen name and password.

3 7. Members of the board were segregated into a hierarchy of four membership
 4 levels by Hawkeye. Each level of membership permitted access to more content on
 5 Dreamboard. An individual could move up in membership level based upon the number
 6 and frequency of posts. The highest membership level consisted of individuals who
 7 produce their own child pornography material.

8 8. The main webpage of Dreamboard was divided into five different areas.
 9 Within each of these areas were different sections referred to as "forums." The forums
 10 generally reflected the type of images or videos contained therein. Some of these forums
 11 included: "Homemade Posts Only", "PT Vids", "Boys", "Super Hardcore", "Over 14
 12 Videos and pictures", "Over 18 passwords" and "Chat." "PT" refers to "pre teen" and
 13 "hard core" refers to images depicting sexual acts. Dreamboard also contained specific
 14 rules for the type of content to be posted in the forums. The "Super Hardcore" forum was
 15 described as containing material of very young children "getting fucked" and "preteens in
 16 distress, and or crying." The rules stated that if the child looks "totally comfortable" then
 17 the child is not in distress and the material does not belong in the "Super Hardcore"
 18 section. The "Homemade Posts Only" forum was described on the main page as a section
 19 for only "producers." Within the forum, the rules stated that it was an exclusive section
 20 and only individuals that made their own material could access this forum. The "PT
 21 Vids" section was described on the main board as a section for videos only and the minors
 22 depicted must not be over the age of 13.

23 9. Within each forum, a member of Dreamboard could make a posting which
 24 was referred to as a "topic." Dreamboard contained hundreds of topic posts distributing
 25 and advertising child pornography. Within these posts, members provided preview
 26 images of the child pornography they were making available for other members along
 27 with the web address and user created password where the complete image collection or
 28 video of child pornography could be downloaded.

1 10. Through the board's rules, instructions were provided to all members
2 regarding how to post preview images and how to make the complete images and videos
3 available on another website. Members were instructed to upload the full images or video
4 to a separate website, and require a password in order to download and decrypt the files.
5 In the topic post advertising the child pornography, members were instructed to alter a
6 part of the web address so that it could not function as a hyperlink; this modification
7 required another member, seeking to view the advertised content, to manually enter the
8 web address into an Internet browser and make the appropriate changes for the web
9 address to be valid. In addition to making new topic postings, members could also
10 respond to topics posted by other members of the board. Members could also
11 communicate directly with each other through the use of private messages.

12 11. Dreamboard members extensively discussed the use of anonymizing
13 techniques and encryption technology to prevent law enforcement agencies from
14 detecting their illegal activity on Dreamboard. For example, users were strongly
15 encouraged to use proxy servers, which route internet traffic through other computers so
16 as to disguise a user's actual location, in order to avoid having the user's actual location
17 detected. Simply put, a proxy server is a computer that acts as an intermediary between a
18 user's computer and a website's server. When a user sends information to the website's
19 server, the request is routed through the proxy server. The website's server therefore only
20 records the IP address of the proxy server, rather than the IP address of the user. That
21 makes it difficult to track the actual location of the user. Moreover, administrators of
22 Dreamboard deleted IP address information from many posts, so that the location of a
23 user could not be traced. Users also discussed the necessity to utilize encryption
24 programs such as Truecrypt on their computer drives, which password-protect computer
25 files to prevent law enforcement access to them in the case of a search.

26 12. Dreamboard advertised some adult pornography in the "Over 18
27 Passwords" forum. However, this forum only contained 125 topic posts. In comparison,
28 the "Super Hardcore" forum and "PT Vids" forum each contained 500 and 8794 topic

1 posts, respectively. Thus, Dreamboard was dedicated primarily to the advertisement and
 2 distribution of child pornography.

3 **C. Activity of Dreamboard Member SAMSACKK.**

4 13. After the seizure of the Dreamboard server, the Dreamboard website was
 5 restored in an offline, investigative computer lab. Utilizing this offline version of the
 6 bulletin board, HSI Special Agents captured information related to a member using the
 7 screen name "samsackk." Included on the board's profile for SAMSACKK were the
 8 following statistics: the user joined the bulletin board on April 24, 2010; made 53 posts,³
 9 some of which contained prepubescent child pornography as defined by 18 U.S.C.
 10 § 2256; was assigned to the second level of membership, VIP; posted most frequently in
 11 the "PT Vids" section; and supplied the email address, notvalid@notvalid.fake during
 12 member registration.

13 14. Law enforcement captured several postings made by SAMSACKK on
 14 Dreamboard, including the following, which contained advertisements offering to
 15 distribute child pornography:

16 a. On May 16, 2010, SAMSACKK posted an advertisement
 17 offering to distribute the file entitled "Piko&Emiko (!!NEW!! Rare
 18 trade).mpg.downloadng." The posted advertisement contained a series of
 19 color images that appear to be screen/frame captures of a video with time
 20 stamps in the lower left corner of each screen/frame. The advertisement
 21 depicts a white prepubescent female (hereinafter referred to as "child
 22 victim") engaged in sexually explicit conduct. Five of the screens/frames
 23 show a frontal view of the partially nude child victim from her knees/thighs
 24 to her neck, seated with her legs spread apart, fully exposing her vagina.
 25 The child victim is wearing only a white shirt which comes down to just
 26 above her waist. In four of these five screens/frames, it appears that an
 27 adult's hand is shown in the screen/frame as the adult's finger digitally
 28 comes in contact with and penetrates the child victim's vagina. The child
 victim has little or no pubic development, no visible body hair, appears to
 be slight in stature, and appears to be six to nine years of age. Below this
 advertisement SAMSACKK included the password of
 samsackkfordreamboard" as well as three download links, each beginning
 with "http://filesurf.ru/."

b. On June 4, 2010, SAMSACKK posted an advertisement
 offering to distribute the file entitled "p2010trailer_final.mpg." The posted
 advertisement contained a series of color images that appear to be

28 ³ Some of these postings are included in Attachment B to this motion.

screen/frame captures of a video with time stamps in the lower left corner of each screen/frame. The advertisement depicts a nude dark-skinned prepubescent female (hereinafter referred to as "child victim") engaged in sexually explicit conduct. At least two of the screens/frames show a frontal view of the child victim, from her knees to below her chest, seated with her legs spread apart on top of a nude adult male as he is lying on his back. In one of the screens/frames, the child victim is being held around the waist by the adult male's hands as the adult male's erect penis penetrates the child victim's vagina. In another screen/frame, the child victim is being held by the adult male's hands as she is shown holding the adult male's erect penis in her hand as a white substance is shown exiting the adult male's penis. The child victim has little or no pubic development, no visible body hair, is slight in stature as compared to the adult male, and appears to be seven to ten years of age.

The following caption appears in the first screen/frame:

The Original Princess 2010 TRAILER

you've seen the rest, now see the best

Below this advertisement appears the following posting from SAMSACKK, "Young girl gets fucked halfway balls deep." SAMSACKK's posting also included the download link "<http://filesurf.ru/186723>" and the password of "samsackkfordreamboard."

D. Identification of ERIC MYSZKE-FRANCIS as SAMSACKK.

15. As a result of information obtained from the seizure of the Dreamboard server, HSI Special Agents were able to identify Internet Protocol ("IP") addresses associated with specific members of "Bulletin Board A." An "Internet Protocol address" or "IP address" refers to a unique number used by a computer to access the Internet. Each time a member of the site posted a message, the IP address from which the user posted the message was recorded by the site. Those IP records were included in the data seized in January and June of 2010. On the following dates and times, user samsackk was recorded as having conducted activity on Dreamboard using the following IP addresses:

96.240.113.122 between 4/12/2010 and 5/10/2010; 98.117.125.201 between 5/11/2010 and 5/25/2010; and 98.117.123.197 between 5/29/2010 and 6/26/2010.

16. Using publicly available websites, HSI Special Agents were able to determine that the above IP addresses were operated by the internet service provider (ISP) Frontier Communications.

1 17. An administrative subpoena/summons was served to Frontier
 2 Communications requesting information related to the user who was assigned to the
 3 above IP addresses. Subpoena/summons responses from Frontier Communications
 4 showed the IP addresses resolved to an Internet Account assigned to ERIC MYSZKE-
 5 FRANCIS. The address associated with the account was an apartment in Redmond,
 6 Washington. A summons response from Frontier Communications dated 6/10/2011
 7 revealed that the account was deactivated 7/8/2010.

8 18. An administrative subpoena/summons was served on or about June 13,
 9 2011, to Facebook, Inc., for records of user information, account status, and IP logs
 10 related to a specific Facebook ID number associated with MYSZKE-FRANCIS. The
 11 subpoena/summons response from Facebook, Inc., showed that the Facebook ID number
 12 related to an ERIC FRANCIS. Further review of the Facebook, Inc., response revealed
 13 that from June 5, 2010, through June 22, 2010, MYSZKE-FRANCIS had logged into his
 14 Facebook account using IP address 98.117.123.197. This is the same IP address used by
 15 SAMSACKK to log into Dreamboard during one of the time frames indicated above.

16 19. On July 5, 2011, HSI received information from a representative of the
 17 United States Postal Service (USPS) that MYSZKE-FRANCIS receives mail at the
 18 apartment in Redmond, Washington, referred to in Paragraph 17, above.

19 20. On July 6, 2011, HSI served a DHS subpoena/summons to the Property
 20 Manager at the apartment complex in Redmond, Washington, identified in Paragraphs 17
 21 and 19, above. A copy of the Apartment Lease Contract indicates that on July 1, 2011,
 22 ERIC FRANCIS (also known as ERIC MYSZKE-FRANCIS), with a date of birth of in
 23 1984, signed an Apartment Lease Contract for an apartment in this specific apartment
 24 complex, for lease beginning July 1, 2011, through June 30, 2012. A copy of a
 25 Recertification Update form, dated and signed by MYSZKE-FRANCIS on June 30, 2011,
 26 indicated that the head of household was ERIC MYSZKE-FRANCIS. The field entitled
 27 "Others to Reside in Apartment" was left blank by MYSZKE-FRANCIS. The Property
 28

1 Manager advised HSI that this information indicated there are no other occupants in this
 2 apartment.

3 **E. The Defendant's Arrest and the Search of His Home**

4 21. On July 28, 2011, HSI Special Agents executed a federal search warrant at
 5 the Defendant's apartment in Redmond, Washington. Numerous computers and other
 6 digital media were found within the residence. Preliminary computer forensic search
 7 results determined that images and videos depicting minor children engaging in sexually
 8 explicit conduct were found on electronic storage media within the Defendant's
 9 residence. Additionally, forensic analysis of a Seagate Hard Drive (HD) bearing serial
 10 number 6TE0KTXW revealed a cookies.txt file with a file path of
 11 hda3\home\efrancis\mozilla\firefox\jpkpw648.default\cookies.txt, containing the text
 12 string "hawkeye%20dreamboard."

13 22. Also on July 28, 2011, and while the search of his residence was being
 14 conducted, HSI Special Agents contacted MYSZKE-FRANCIS at his place of
 15 employment. When the agents identified themselves to the Defendant, he immediately
 16 began to cry and said he was "scared" of the agents. HSI Special Agents advised
 17 MYSZKE-FRANCIS of his *Miranda* rights, and assisted him in telephoning his father,
 18 who was in Redmond, Washington, visiting from Michigan. MYSZKE-FRANCIS
 19 subsequently signed the *Miranda* form and indicated that he was willing to speak with
 20 agents without a lawyer present. MYSZKE-FRANCIS discussed his computer skills with
 21 the agents, and repeatedly stated that he wanted to cooperate. He continued to cry at
 22 times, and approximately 20 minutes after the interview began, MYSZKE-FRANCIS
 23 advised that he wanted to speak with a lawyer. HSI Special Agents terminated the
 24 interview.

25 23. While HSI Special Agents spoke with MYSZKE-FRANCIS at his place of
 26 employment, the agents who were conducting the search of his residence discovered
 27 images and videos of child pornography on digital media seized from the residence.
 28

1 MYSZKE-FRANCIS was subsequently arrested on probable cause to believe that he
 2 possessed child pornography.

3 24. On August 1, 2011, Special Agent and HSI Group Supervisor (GS) Brian
 4 Widener, who is also a certified computer forensics agent, conducted an initial forensic
 5 preview of another piece of seized digital media, a Seagate HD bearing serial number
 6 5QE39LKG. This HD contained a file folder entitled "hawkeyeDB." As noted above in
 7 Paragraph 6, "Hawkeye" was the lead administrator of Dreamboard. Within the file path
 8 for this file folder are the letters "HMM." In a posting to Dreamboard by SAMSACKK
 9 dated May 9, 2010, he referred to "Hawkeye" as "HMM."

10 25. GS Widener also located a large amount of child pornography on the HD,
 11 including twelve color images depicting a series of young Asian females (hereinafter
 12 referred to as "child victims"), between the ages of 6 to 8 years old, posing for the camera
 13 while each is holding a sign containing the following text:

- 14 a. "HI HAWKEYE"
- 15 b. "I LOVE YOU"
- 16 c. "I love Dreamboard"

17 One of the child victims is wearing only a pink halter top and white mini skirt,
 18 while another is wearing a silver bikini.

19 26. GS Widener also located the following two videos on the HD, both of
 20 which were referenced by SAMSACKK in postings he made to Dreamboard:

- 21 a. "Klvn 1202 m3b 11 Yo fk.avi," posted on June 9, 2010
- 22 b. "p2010trailer final.mpg," posted on June 4, 2010

23 27. HSI Special Agents are continuing their review of the digital media seized
 24 from the Defendant's apartment.

25 **II. ARGUMENT**

26 28. Under 18 U.S.C. § 3142(e), if the Court "finds that no condition or
 27 combination of conditions will reasonably assure the appearance of the person as required
 28 and the safety of any other person and the community, such judicial officer shall order the

1 detention of the person before trial.” Because the Defendant is charged with violations of
 2 18 U.S.C. §§ 2251(d)(1) & (e) and 18 U.S.C. §§ 2252A(a)(2)(A) & (b)(1), there exists a
 3 rebuttable presumption that no such condition or combination of conditions exists.
 4 18 U.S.C. 3142(e)(3)(E). The burden is therefore on the Defendant to overcome that
 5 presumption with concrete evidence to establish that there are conditions of release which
 6 will ensure both his appearance at trial and the safety of the community.

7 29. In determining whether there are conditions of release that will reasonably
 8 assure the Defendant's appearance and the safety of any other person and the community,
 9 the Court must take into account:

- 10 (1) The nature and circumstances of the offense charged, including whether
 11 the offense is a crime of violence or involves a narcotic drug;
- 12 (2) the weight of the evidence against the person;
- 13 (3) the history and characteristics of the person, including–
 - 14 (A) the person's character, physical and mental condition, family ties,
 15 employment, financial resources, length of residence in the
 16 community, community ties, past conduct, history relating to drug or
 17 alcohol abuse, criminal history, and record concerning appearance at
 18 court proceedings; and
 - 19 (B) whether, at the time of the current offense or arrest, the person
 20 was on probation, on parole, or on other release pending trial,
 21 sentencing, appeal, or completion of sentence for an offense under
 22 Federal, State, or local law; and
 - 23 (4) the nature and seriousness of the danger to any person or the community
 24 that would be posed by the person's release

25 18 U.S.C. § 3142(g). Consideration of the factors enumerated in § 3142(g) supports an
 26 order of detention in this case because no conditions of release will ensure the safety of the
 27 community and because the Defendant poses a substantial risk of flight.

28 1. The Nature of the Charged Offenses is Serious

29 30. The Defendant is presently charged with multiple felony offenses under
 30 Chapter 110 of the United States Code, which constitute crimes of violence within the
 31 meaning of the Bail Reform Act. *See* 18 U.S.C. §3156 (a)(4)(C). The charges involve a
 32 conspiracy to advertise and distribute thousands upon thousands of images and videos of

1 child pornography, including those of prepubescent children as young as infants and
 2 children being violently abused and raped. The organization that the Defendant chose to
 3 affiliate himself with - his membership obtained only by posting large quantities of child
 4 pornography to the board - links him with some of the worst of the worst child
 5 pornography offenders on the Internet.

6 31. Dreamboard was a secured online bulletin board with over 600 members
 7 across the globe that was devoted to the production and dissemination of hardcore child
 8 pornography. The site contained thousands of postings of images and videos of children
 9 as young as infants being sexually abused, including a section with images and videos
 10 posted by members who were producing the material themselves - that is, sexually abusing
 11 children, videotaping the abuse, and sharing the videos of their abuse with members of the
 12 board. In fact, members of this online community were rewarded - promoted to higher
 13 levels of membership entitling them to greater access to hardcore child pornography on the
 14 board - based upon the frequency and volume of their postings. The membership
 15 requirements of the board prevented members from passively viewing the site - to remain a
 16 member, members were required to post child pornography frequently. The Defendant
 17 personally posted messages to the board which included images and videos of child
 18 pornography. The users of Dreamboard devoted themselves to obtaining and sharing
 19 among members the most unique and private depictions of child sexual abuse that they
 20 could find, and encouraged the production of such material for their private sharing. That
 21 makes the Defendant a danger to children.

22 **2. The Case Against the Defendant is Strong**

23 32. Moreover, as described above, the United States's case against the
 24 Defendant is strong. Postings by Dreamboard member SAMSACKK were traced via IP
 25 address to the Defendant's residence. The Defendant accessed his personal Facebook
 26 page from those same IP addresses. References to the Dreamboard administrator,
 27 Hawkeye, have been found on the Defendant's digital media, as well as images of children
 28 holding signs about Hawkeye and Dreamboard. Two videos on the Defendant's digital

1 media are the exact same videos SAMSACKK posted comments about on Dreamboard.
 2 And this is only what agents have found in the very preliminary stages of the forensic
 3 analysis; they are continuing their forensic analysis of the digital media seized from the
 4 Defendant's residence.

5 **3. The Defendant Was a Member of Group that Engaged in a
 Pattern of Activity Designed to Obstruct Justice**

6 33. This Court should also consider the Defendant's efforts to obstruct justice
 7 and avoid law enforcement detection through the use of encryption and proxy technology.
 8 Dreamboard members consistently touted the benefits of using encryption technologies to
 9 avoid detection by law enforcement and sought advice and counsel from confederates
 10 about where to find and how to implement the best proxy services and which encryption
 11 methods to employ.

12 34. At this point, several of the many individuals who have been identified along
 13 with the Defendant have been arrested; however, the vast majority of Dreamboard
 14 members remain at large. The Defendant has the ability to contact those individuals via
 15 the internet, in order to continue to trade and distribute child pornography, and also to
 16 advise them of the pending investigation and their need to destroy evidence or flee law
 17 enforcement. He has demonstrated through his membership in Dreamboard that he
 18 actively seeks to obstruct law enforcement's attempts to hold accountable the members of
 19 the bulletin board of which he was a member. Moreover, there is no practical means, short
 20 of detention, to ensure that he does not use the Internet to contact his confederates.
 21 Internet access is available throughout the community, in libraries, coffee shops, and
 22 elsewhere. A court order to not use the Internet is not practically enforceable; in any
 23 event, sanctioning the Defendant after he violated such an order would do nothing to
 24 obviate the consequences of that violation - he would have notified his confederates who
 25 would then be able to destroy evidence or flee before they could be apprehended.

1 **4. The Defendant is a Flight Risk**

2 35. The Defendant has been arrested on two charges which carry mandatory
3 minimum sentences of 15 and five years of incarceration, respectively, and a maximum
4 penalty of 30 years in prison. The serious penalties that he faces for his crimes provide
5 him with a great incentive to flee prosecution. The strength of the evidence against him
6 heightens that risk. The Defendant is a member of a group that has taken extraordinary
7 measures, through encryption and proxy technology, to avoid being detected by law
8 enforcement. His incentive to avoid being held accountable is all the more real at this
9 point, knowing that he has been caught and the significant penalties that he faces. His
10 prior behavior should lead this Court to the conclusion that, if released, he will continue
11 his efforts to avoid responsibility for sexually exploiting children by fleeing from
12 prosecution.

13 **III. CONCLUSION**

14 36. ERIC MYSZKE-FRANCIS cannot rebut the statutory presumption against
15 release in this case. Accordingly, no condition or combination of conditions of release
16 will reasonably assure his appearance, nor will they adequately protect the safety of any
17 person or the community if he is released. The United States therefore requests that ERIC
18 MYSZKE-FRANCIS be detained pending trial.

19 DATED this 2nd day of August, 2011.

20 Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via telefax.

s/ Jacqueline Masonic
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